

ATTACHMENT 1
to Request for Review Letter dated September 6, 2010

Following is the May 4, 2018 letter to USAC's School's and Libraries Correspondence Unit.

Following the letter are the following exhibits:

Exhibit A: FRN Status Tool Download as of February 21, 2018 (and associated file FY2016 FRN Status Tool download 2018-02-21.csv)

Exhibit B: Revised Funding Commitment Decision Letter dated August 9, 2017

Exhibit C: Post Commit Request spreadsheet (and associated file Post Commit Request - 39958 - DETROIT SERVICE LEARNING ACADEMY.xls)

Exhibit D: EPC Funding Year 2016 FCC Form 486 List

Exhibit E: CSB Case #22-964921 response dated March 6, 2018



E-Rate Support Services

"Your source for E-Rate support"

P.O. Box 40204 • Spokane, WA 99220
ph. 206-856-7349 • email david@eratesupportservices.com

May 4, 2018

Schools and Libraries Program Correspondence Unit
Attn: Letter of Appeal
Parsippany, NJ
VIA EMAIL appeals@sl.universalservice.org

Re: Detroit Service Learning Academy (BEN 208680)
Service Start Date adjustment for FCC Forms 486 No. 57557
Funding Request Nos. 1699135597, 1699135599, 1699135799

With this letter Detroit Service Learning Academy ("DSLA") appeals a decision by the Universal Service Administrative Company ("USAC") to set the Service Start Date for each of the captioned Funding Requests (the "Funding Requests") later than the first day of Funding Year 2016¹, and prays that for each Funding Request the Service Start Date will be set to July 1, 2016.

Background

DSLA is a unique educational institution which integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities. As members of the community, DSLA students have the responsibility to live the core values of wisdom, justice, integrity, love, compassion, respect, and courage. DSLA relies on funding under the Schools and Libraries Universal Service Support Mechanism (commonly known as "E-Rate") as a critical component of the financial resources it requires to fulfill its educational mission.

USAC records show that on December 12, 2016, USAC Issued a Funding Commitment Letter committing funding to each of the Funding Requests². According to USAC procedures DSLA should have filed FCC Form 486 citing each funded Funding Request not later than April 11, 2017³. However, in the event that a Revised Funding Commitment Decision Letter ("RFCDL") is ultimately issued, it would be the date of the RFCDL from which the 120-day deadline is calculated.

On August 4, 2017, DSLA completed and certified FCC Form 486 No. 57577 citing each of the Funding Requests, and stating a Service Start Date of July 1, 2016. The apparent late filing came as

¹ The first day of Funding Year 2016 is July 1, 2016.

² See "FCDL Date" column of 2/21/2018 FRN Status Tool download (attached hereto as Exhibit A).

³ "FCC Form 486 must be received or postmarked no later than 120 days after the Service Start Date shown on the FCC Form 486 or 120 days after the date of the FCDL, whichever is later", USAC Schools and Libraries website at <https://www.usac.org/sl/applicants/step05/form-486.aspx> (retrieved 5/3/2018).

a result of staff shortages, staff changes, and confusion over the filing deadline. However, DSLA's concerns about actually having put funding at risk was mitigated by its cognizance of the policy set in the *Archdiocese of New Orleans Order*⁴, in which the Federal Communications Commission (the "Commission") directed USAC to set the Service Start Date to the first day of the funding year in cases of late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue, and where the applicants have demonstrated good cause for the late filing.

Subsequent to DSLA's FCC Form 486 filing, USAC issued a Revised Funding Commitment Decision Letter ("RFCDL") on August 9, 2017⁵. DSLA's August 4, 2017 FCC Form 486 submittal was prior to 120 days after the RFCDL date; therefore, as a result of USAC's issue of the RFCDL, DSLA's FCC Form 486 was submitted early enough to be in compliance with USAC's procedures.

DSLA conscientiously took steps to monitor the status of the late-filed FCC Form 486, as DSLA was aware of the Commission's requirement to file any necessary request for review not later than 60 days after the date of an adverse USAC decision⁶. In an abundance of caution, DSLA monitored the form's status using three independent sources.

First, DSLA monitored received email for any notification that USAC had completed its review of the FCC Form 486. To the best of its knowledge and belief, DSLA never received any notification that USAC had completed its review of the FCC Form 486.

Second, DSLA regularly queried the FCC Form 486 status through the submission of a query through the FRN Status Tool⁷. In each query file produced by the FRN Status Tool, the 486 Service Start Date field was blank, indicating that USAC's review of the FCC Form 486 was not yet complete.

Third, DSLA regularly checked the status of the FCC Form 486 via a query of Funding Year 2016 FCC Form 486 status through USAC's E-Rate Productivity Center ("EPC") online system⁸. In each query EPC reported a status of "In Review".

In late February, 2018, DSLA became concerned about what seemed to be an unusually long time for the processing of an FCC Form 486 submitted six months earlier, and (through its consultant) submitted inquiries to USAC.

On March 6, 2018, USAC for the first time notified DSLA of its decision to set the Service Start Date for each Funding Request to April 6, 2017⁹. USAC explicitly conceded that EPC reports an FCC Form

⁴ See *Archdiocese of New Orleans et al*, 31 FCC Rcd 11747 (2016).

⁵ See Revised Funding Commitment Decision Letter dated August 9, 2017 (attached hereto as Exhibit B), and Post Commit Request spreadsheet (attached hereto as Exhibit C). Also see "Revised FCDL Date" column of 2/21/2018 FRN Status Tool download (attached hereto as Exhibit A). Although the Revised Funding Commitment Letter refers to an approved amount of "\$0.00", the associated "Post Commit Request" spreadsheet shows Revised Commitment Amounts of \$25,620.00 for FRN 1699135597, \$948.96 for FRN 1699135599, and \$25,620.00 for FRN 1399135799.

⁶ See 47 CFR §54.720(b): "An affected party requesting review of an Administrator decision by the Administrator pursuant to §54.719(a), shall file such a request within sixty (60) days from the date the Administrator issues a decision."

⁷ E.g., see blank values in "486 Service Start Date" column of 2/21/2018 FRN Status Tool download (attached hereto as Exhibit A).

⁸ E.g., see screen capture retrieved 2/22/2018 showing a status of "In Review" for FCC Form 486 No. 57557 (attached hereto as Exhibit D).

Schools and Libraries Program Correspondence Unit
Attn: Letter of Appeal
May 4, 2018
Page 3 of 4

486 status of "In Review", even after USAC had processed the form. USAC furthermore explicitly conceded that its FRN Status Tool provided funding request records with blank Form 486 Service Start Date values, even after USAC had processed the form.

DSLAs submit instant request for review within 60 days of its first notification of USAC's decision to set the FCC Form 486 Service Start Date after the first day of the funding year.

Analysis

DSLAs submitted completed and certified FCC Form 486 No. 57577 on August 4, 2017, which was not later than 120 days after USAC's issue of a Revised Funding Commitment Letter. Furthermore, DSLAs submitted the FCC Form 486 within 120 days of the last day to receive service for each funding request cited in that form.

USAC erred in setting the Service Start Date after the first day of the funding year, in contravention of its own procedures for a case in which an RFCDL is issued, and in contravention of the Commission's directive in *Archdiocese of New Orleans*.

In several queries submitted to USAC's online automated systems on multiple dates over a long period of time, USAC's systems consistently reported that FCC Form 486 No. 57577 had not yet been processed. Even today, USAC's systems continue to report that USAC has not completed processing of this FCC Form 486¹⁰.

In compliance with the Commission's rules regarding appeals submitted to USAC, instant appeal is submitted within 60 days of USAC's notification to DSLAs of its decision to set Service Start Dates later than the first day of the funding year.

We also note that setting a delayed Service Start Date for the Funding Requests would impose severe hardship upon DSLAs, and the effect of such denial would be a profound adverse impact upon the educational services we provide for our students. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

Relief requested

For the reasons stated in this letter, DSLAs respectfully requests that USAC set the Service Start Date for each Funding Request to July 1, 2016.

Please feel free to contact me regarding this matter; my contact information appears on the first page of this letter.

⁹ See USAC Schools and Libraries Division Client Service Bureau response dated March 6, 2018, in Case #22-964921 (attached hereto as Exhibit E).

¹⁰ In queries submitted on today's date – May 4, 2018 – USAC's online systems continue to return precisely the information which appears in Exhibit A and Exhibit D.

Schools and Libraries Program Correspondence Unit

Attn: Letter of Appeal

May 4, 2018

Page 4 of 4

Respectfully,



David A. Behar

Attachments:

Exhibit A: FRN Status Tool Download as of February 21, 2018

Exhibit B: Revised Funding Commitment Decision Letter dated August 9, 2017

Exhibit C: Post Commit Request spreadsheet

Exhibit D: EPC Funding Year 2016 FCC Form 486 List

Exhibit E: CSB Case #22-964921 response dated March 6, 2018

FRN Status Tool Download as of February 21, 2018

EXHIBIT A
to Detroit Service Learning Academy letter
dated May 4, 2018

See attached Comma Delimited Values document FY2016 FRN Status Tool download 2018-02-21.csv.

Revised Funding Commitment Decision Letter dated August 9, 2017

EXHIBIT B to Detroit Service Learning Academy letter dated May 4, 2018May 4, 2018May 4, 2018

5/3/2018

E-Rate Productivity Center



E-Rate Productivity Center Revised Funding Commitment Decision Letter for 208680 - DETROIT SERVICE LEARNING ACADEMY

Thank you for participating in the Schools and Libraries Program for Funding Year 2016. This letter is your notification that we have completed our review of the post-commitment requests submitted by you or your service provider, which can include appeals, service substitutions, SPIN changes, FCC Form 486 reviews, and/or FCC Form 500 reviews.

There are two files attached to this notification, both of which provide important information. The Excel file provides the funding decision for each FRN included in your post-commitment requests, and lists any changes USAC made to the FRNs. The second file contains information about your appeals rights, and other important program reminders. An explanation of the fields in the RFCDL is available in the EPC section of our website.

NEXT STEPS

- If you disagree with USAC's decision, review the attached pdf to determine how to appeal.
- If the FCC Form 486 has not already been submitted, use the information in this notification to file one in EPC now.
- Work with your service providers to determine who will be invoicing USAC. If you have paid in full for services already delivered and are seeking reimbursement, make sure that you have an FCC Form 498 on file, and then submit your FCC Form 472 (BEAR).

Remember the deadlines for delivery and installation of your services. Your deadlines are listed in column AC of the attached spreadsheet. USAC will not approve an invoice when services are delivered after this date. A request to extend the service delivery deadline is only available in certain circumstances. More information can be found on our website.

The "More Info" link below provides summary data about your requests in this wave. Click on the date/time below to display the entire notification for easy printing. Please keep a copy of this notification for your records.



RFCDL Supplement
PDF 114 KB



Post Commit Request - 39958 - DETROIT SERVICE LEARNING ACADEMY
XLSX 50 KB

#208680 - DETROIT SER...

Aug 23, 2017 ☆ 📄 Comment Hide Info ▲

Request Number 39958

Billed Entity Number 208680

5/3/2018

E-Rate Productivity Center

Billed Entity Name DETROIT SERVICE LEARNING ACADEMY

Billed Entity FCC RN 0014016463

Applicant's Form Identifier DETROIT SERVICE LEARNING ACADEMY

RFCDL Date Aug 9, 2017

Approved Amount \$0.00

Post Commit Request spreadsheet
(attached to Revised Funding Commitment Decision Letter dated August 9, 2017

EXHIBIT C
to Detroit Service Learning Academy letter
dated May 4, 2018

See attached Excel document Post Commit Request - 39958 - DETROIT SERVICE LEARNING ACADEMY.xls.

**E-Rate Productivity Center
Funding Year 2016 FCC Form 486 List
Screen Capture of February 22, 2018**

**EXHIBIT D
to Detroit Service Learning Academy letter
dated May 4, 2018**

← → ↻ 🏠 https://portal.usac.org/suite/tempo/records/item/IYBDUvg2DtnG8p1r6dDkTVfs7HcdVWZ-z0IFPZIEylj5-9vprR6Xk0nsE1YaykWomTCde1gVUrWZyRh5QJSLG3bHC42bpilN4uuqWj11eQBPdtkoxPf7CpQ/view/_t

News Tasks (4) **Records** Reports Actions

Records / Applicant Entities

#208680 - DETROIT SERVICE LEARNING ACADEMY

CREATE FCC FORM 470 CREATE FCC FORM 471 CREATE FCC FORM 486 ...

Summary Customer Service Modifications Additional Information Discount Rate Contracts **FCC Forms** FRN Appeals News Related Actions

Category FCC Form 486

FCC Forms 486

Funding Year 2016

Form Number	Nickname	Funding Year	Status	Certified Date
57557	486 DSLA FY2016	2016	In Review	8/4/2017 4:03 PM PDT

**Schools and Libraries Division
Client Service Bureau
Case #22-964921
Response Dated March 6, 2018**

**EXHIBIT E
to Detroit Service Learning Academy letter
dated May 4, 2018**

5/4/2018

Gmail - RE: Initial Contact, 22-964921



David B <david271@gmail.com>

RE: Initial Contact, 22-964921

sldnoreply@sl.universalservice.org <sldnoreply@sl.universalservice.org>
To: david@eratesupportservices.com

Tue, Mar 6, 2018 at 5:30 AM

Thank you for your inquiry.

The issue causing the discrepancy has been resolved, although the forms may still show the status as In Review after the Notification Letter has been issued. The data should be synced with the legacy system now, so applicants or service providers can invoice.

The FRN Status Tool on the website is an example of the 486 SSD not populating, even after the 486 NL has been issued.

The service start date on all 3 FRNS is 4/6/2017. This information can be found on the Form 486 Notification Letter.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

—Original Message—

From: david@eratesupportservices.com
Subject: Initial Contact

[FirstName]=David
[LastName]=Behar
[JobTitle]=Consultant CRN #16062647
[EmailAddress]=david@eratesupportservices.com
[WorkPhone]=
[FaxPhone]=
[PreviousCaseNumber]=0

[FormType]=Other
[Owner]=TCSB
[DateSubmitted]=3/6/2018 1:28:21 AM
[AttachmentFlag]=N[Question2]=I am writing to follow up on Case #22-964325 regarding processing of FCC Form 486 #57557 processing for DETROIT SERVICE LEARNING ACADEMY (BEN 208680), and I have three questions.

Question #1: From your response I understand that the "In Review" status reported on the EPC Form 486 display (an image of which I provided in my inquiry) for Form 486 #57557 is in error. Is that correct?

Question #2: In your response you noted that "we are aware that not all 486 SSDs are appearing on the FRN Status Tool on our website". In my case inquiry I provided you with an FRN Status Tool file for FY2016 for this applicant (FY2016 FRN Status Tool download 2018-02-21.csv), and in that file the 486 Service Start Date field is

5/4/2018

Gmail - RE: Initial Contact, 22-964921

blank for all three funding requests. Is this particular FRN Status Tool download file an example of the error you described, where "not all 486 SSDs are appearing on the FRN Status Tool on our website"?

Question #3: Please provide the 486 Service Start Date for each of the following Funding Requests: 1699135597, 1699135599, and 1699135799.

Thank you very much for your kind assistance with these three questions.

https://mail.google.com/mail/u/0/?ui=2&ik=b0f55d3bf5&jsver=awrWbDFcFs.en.&cbl=gmail_fe_180429.15_p3&view=pt&msg=161fb8184c4af9bf&q=sldnoreply&q... 2/2